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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,913	02/17/2000	Ronald A. Katz	245/247(6046-101D7)	7196

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EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No. 09/505,913	Applicant(s) Katz
Examiner Stella Woo	Art Unit 2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Oct 20, 2002
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 16-141 is/are pending in the application.
- 4a) Of the above, claim(s) 112-141 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 16-111 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some* c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) Other: _____

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DETAILED ACTION

1. Newly submitted claims 112-141 are directed to an invention that is independent and distinct from the invention originally claimed for the following reasons:

Originally presented claims 16-111 are drawn to a commercial transaction communication control system which provides video, audio, text from vendor to buyer, classified in class 348, subclass 14. These originally presented claims 16-111 were first presented as claims 17-109, 336-387 in parent application S.N. 08/189,405 (note applicant's remarks in the Preliminary Amendment filed February 17, 2000 in the present application) and were cancelled from the parent application to address a restriction requirement. They were identified by the examiner as Invention II in the restriction requirement.

Newly submitted claims 112-141, as presented in the Amendment filed October 20, 2002, are drawn to a control system for isolating potential buyers associated with an area of commercial interest, classified in class 379, subclass 92.01, the subject matter identified by the examiner as Invention III in the restriction requirement of parent application 08/189,405.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 112-141 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP 821.03.

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Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 109 is rejected under 35 U.S.C. 102(b) as being anticipated by Shavit et al. (USPN 4,799,156, hereinafter "Shavit") for the same reasons given in the last Office action and repeated below.

Shavit discloses a commercial transaction communication control system, the system being adapted for use with an on-line computer service (Shavit provides for access to a variety of information sources and database providers, e.g. Dialog; col. 7, lines 9-15), comprising:

an interface system (personal computers 62, 64 and communications interface 79; col. 5, line 28 - col. 6, line 51);

a storage memory (database stores subscriber data and request data; col. 7, lines 23-46; col. 25, lines 28-50); and

an independent commercial transaction control system (IMM system 50) to selectively facilitate transmission of commercial transaction data, as electronic interchange data (Shavit provides for communicating EDI data; col. 15, lines 31-33).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16-42, 45-72, 75-105, 108, 110-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit in view of Smith (USPN 5,450,123) for the same reasons given in the last Office action and repeated below.

Shavit discloses a commercial transaction communication system (Interactive Market Management System 50), the system being adapted for use with an on-line computer service (Shavit provides for access to a variety of information sources and database providers, e.g. Dialog; col. 7, lines 9-15), comprising:

an interface (personal computers 62, 64 and communications interface 79; col. 5, line 28 - col. 6, line 51);

an audio system (interactive conversational service; col. 7, line 58 - col. 8, line 4);

a text system (mailbox service, col. 8, lines 12-22; col. 11, line 52 - col. 12, line 18; transaction service, col. 12, line 42 - col. 14, line 21; facsimile service, col. 14, line 22);

a storage memory (database stores subscriber data and request data; col. 7, lines 23-46; col. 25, lines 28-50);

a control system (central processor 80).

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Shavit differs from claims 16-42, 45-72, 75-105, 108, 110-111 in that it does not specify a dynamic video system. However, Smith teaches the desirability of including a camera at representative terminal so that direct, real-time, point-to-point video communication can take place between a customer and the representative (col. 3, lines 26-27; col. 4, lines 25-28; moving pictures are communicated via AT&T 2500 video telephone sets, col. 1, lines 27-28) such that it would have been obvious to an artisan of ordinary skill to incorporate such dynamic, full-motion video communication, as taught by Smith, within the system of Shavit in order to provide a real-time video as well as audio communication between the customer and representative. In this way, a more realistic face-to-face meeting can take place.

Further, Smith teaches the desirability of allowing buyer access to a vendor supplied video image stored in a video file server (video source and database 6) for enhancing sales communication with the use of video (col. 1, line 51 - col. 3, line 27) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of video, as taught by Smith, within the method of Shavit in order to allow a buyer to view the desired goods or services.

Regarding claims 19-20, 41-42, 48-49, 68-69, 81-82, 101-102, Smith provides for a dynamic video source and database 6.

Regarding claims 21, 50, 83, Shavit provides for printing documents via facsimile (col. 14, line 22).

Regarding claims 22-23, 51-52, 84-85, 110, the examiner takes Official Notice that it is old and well known in the art at the time of invention to provide for freeze-frame and high

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resolution video capability in a video communication system such that it would have been obvious to an artisan of ordinary skill to incorporate such well known video features within the combination of Shavit and Smith.

6. Claims 43-44, 73-74, 106-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit in view of Smith, as applied to claim 16 above, and further in view of Donald et al. (USPN 5,053,956, hereinafter "Donald") for the same reasons given in the last Office action and repeated below.

The combination of Shavit and Smith differs from the claims in that although it provides for displaying products to the customer (Smith, col. 2, lines 65-68), it does not specify an inventory control system. However, Donald teaches the desirability of coupling an interactive video display system with an inventory control system (col. 7, lines 3-9; col. 9, line 61 - col. 10, line 4) so that a customer can view products along with the number available in stock such that it would have been obvious to an artisan of ordinary skill to incorporate such coupling with an inventory control system, as taught by Donald, within the combination of Shavit and Smith so that the customer can be apprised of availability while the seller's inventory database is kept current as items are purchased.

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Response to Arguments

7. Applicant's arguments filed October 20, 2002 have been fully considered but they are not persuasive.

Applicant again argues that in Shavit, "it is one party that selects another party." However, the claims broadly recite a "control system for selectively enabling communications between members of plural groups..." The examiner maintains that it is through the control of the IMM system of Shavit that communication takes place among buyers and sellers (col. 6, line 52 - col. 8, line 22) such that the Shavit system "selectively enables" communication between members.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any response to this final action should be mailed to:

Box AF

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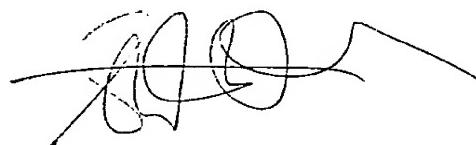
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or faxed to:

(703) 872-9314; (for formal communications, please mark "EXPEDITED PROCEDURE"; and for informal or draft communications, please label "PROPOSED" or "DRAFT").

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395. Any general inquiries should be directed to the Customer Service Office at (703) 306-0377.

December 30, 2002



**STELLA WOO
PRIMARY EXAMINER**